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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003789

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SUBJECT: REGION FORMATION LAW PASSES AFTER LAST-MINUTE
NEGOTIATIONS

Classified By: (U) Political Counselor Margaret
Scobey for Reasons 1.4 (b) and (d)

11. (C) SUMMARY. The Council of Representatives (CoR) passed the region formation law October 11. While it seemed initially that quorum would not be reached, vigorous side negotiations between parliamentary party leaders led to changes in the text that brought some Iraqiyya members back into session. According to Iraqiyya negotiator Hamid Majeed Mousa, Tawafuq representative Ayad al-Sammara'ee agreed to the changes. However, Tawafuq and Hewar members did not enter the session despite the agreement, likely because of public image considerations and political infighting. Among the more significant changes negotiated was a stipulation that at least 50% of the registered voters in a governorate must participate in the referendum to make it valid. The deal almost unraveled at the last minute during the final reading when it seemed that some Shia Coalition members were pushing for the 18 month delay provision to be removed from the bill. When Iraqiyya threatened to walk out over this, the Shia Coalition recanted, and the law was passed. Shia Coalition leader Abdulaziz al-Hakim attended his first session since the May 20 government formation. END SUMMARY

LACK OF QUORUM LEADS TO LAST-MINUTE NEGOTIATIONS AND
ATTENDANCE OF ABDULAZIZ AL-HAKIM

12. (C) In order to prevent the October 11 vote on the regions formation legislation, Tawafuq, Sadrist, Fadhila, Hewar, Reconciliation and Liberation, and most Iraqiyya members stayed out of the session room, thus preventing the necessary quorum of 138 members. Driven by a sense of urgency to pass the law before the beginning of Ramadan recess and before the constitutional deadline of October 22, SCIRI/Badr and the Kurdish Alliance implemented a two-prong strategy to: (a) ensure that all their members stay in the building until quorum is achieved; and (b) start negotiations with Tawafuq and Iraqiyya to produce a draft that will allow their members to attend the session.

13. (C) Shortly after the first call to members to enter the session room revealed the lack of quorum, leading Iraqiyya member Hamid Majeed Mousa and leading Tawafuq member Ayad al-Sammara'ee confirmed to PolOff their parties' boycott and criticized SCIRI and the Kurdish Alliance for their unwillingness to compromise on the law,s text. Shortly thereafter, Badr Organization head Hadi al-Amiri, KDP bloc leader Saadi al-Barzinji, Kurdish Alliance bloc leader Fuad Masoum

and leading Dawa member Haider al-Abadi sat with Sammara'ee and Mousa at the Convention Center cafeteria to negotiate conditions for their return to the session room. Fadhila members were never asked to join the negotiations, neither were Sadrists or members of Hewan (although Fadhila and Sadrists were talking to each other). In a strong show of support for the bill's passage, Abdulaziz al-Hakim attended the session - his first since the government was inaugurated May 20.

¶4. (C) Eventually, the group broke up, and Hamid Majeed Mousa and Ayad al-Sammara'ee went to confer with their bloc members. While some Iraqiyya members went into the session room, Tawafuq members did not. Ayad al-Sammara'ee told PolOffs that there was still no effort to bridge the differences or to come up with a unified text (COMMENT: Mousa later claimed that Sammara'ee had agreed with the changes. END COMMENT). Shortly thereafter, the Speaker cleared the session of room of non-members so an accurate head count could be conducted. With 140 members present and quorum attained, the session began, but not before the Speaker excused himself, allowing Deputy Speaker Khalid al-Attiah to chair the session.

FINAL READING REVEALS CHANGES TO TEXT

¶5. (C) Article 1 was changed to state "A region is a legal entity that consists of one province or more" (NOTE: This removed any reference to the merger of two regions. END NOTE). In addition, Article 6 was

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amended to include language stating that a referendum will pass, "taking into consideration that the percentage of participants is not less than 50% of registered voters."

¶6. (C) There were several tense moments during the vote. Shia Independent Abbas al-Bayati (Turkman) and Deputy Speaker Khalid al-Attiah began to violently argue over Bayati's objections to language in the bill allowing a governorate to join an existing region (a provision that could, potentially, pave the way for Kirkuk to join Kurdistan). When they reached the last article that contained the provision delaying implementation for 18 months, it seemed as if the Shia Coalition was going to renege on the agreement and not vote for its inclusion. Iraqiyya threatened to walk out, claiming they were defending the political agreement even for those (e.g., Tawafuq) who were not in the room. In the end, order was restored, and the article passed (although Abdulaziz al-Hakim did not vote for it).

¶7. (C) After it passed, with camera flashes popping, the room broke into applause and congratulations between members. The Deputy Speaker was barely able to restore order to complete the legislative agenda. Tawafuq member Hussein al-Falluji (Iraqi Peoples Conference) complained to PolOffs afterwards that there was no quorum and that the rules and procedure had not been followed. Later, Saleem al-Jeboori seemed pleased when he heard that the revised article 1 and article 6 had passed

COMMENT

¶8. (C) Iraqiyya played the kingmakers role in this session. With no chance that Fadhila, Sadrists, Hewan, or even Tawafuq would enter the session room,

Iraqiyya was the key to quorum being achieved and the law passing. Hamid Majeed Mousa told PolOff after the session that the changes to the text were enough for Iraqiyya to return to the session, particularly the 50 percent participation rate and the previously agreed to 18 month delay. The end result allowed SCIRI/Kurds to pass the region formation law, and Tawafuq to get more changes to the law, without actually having to be on hand to watch it pass. Attention will now shift to the Constitution Review Committee and also to the drafting of the law on provincial council powers.

19. (C) Hadi al-Amiri played a majority whip role during the session, leading negotiations with the other political parties and cooling down the dispute between Abbas al-Bayati and the Deputy Speaker. The presence of Abdulaziz al-Hakim had a definite impact on proceedings at the CoR. Deputy Khalid Attiyah, who the previous day during the vote on the investment law had been a stickler in observing the rules and procedures in the bi-laws, allowed frequent word changes to the bill and, PolOffs noted, almost unconsciously deferred to al-Hakim and look for his approval.

KHALILZAD